



Cort Thomas  
214.367.6094  
[cort@brownfoxlaw.com](mailto:cort@brownfoxlaw.com)

November 13, 2024

**VIA ELECTRONIC FILING**

Judge Hovland  
United States District Court  
District of North Dakota  
220 East Rosser Avenue, Suite 161  
PO Box 670  
Bismarck, ND 58502-0670

Re: *Phoenix Capital Group Holdings, LLC v. Incline Energy Partners, L.P.*, No. 1:23-cv-00209-DLH-CRH, in the United States District Court for the District of North Dakota, Western Division; Notice of Supplemental Authority

Dear Judge Hovland:

Defendant Incline Energy Partners, LP (“Incline”) respectfully submits this notice of supplemental authority to identify a recent order issued in the first-filed, parallel litigation in Texas state court, styled *Phoenix Capital Group Holdings, LLC v. William Francis and Incline Energy Partners, LP*, Cause No. DC 06360, in the 116<sup>th</sup> District Court for Dallas County, Texas (the “Texas State Case”) (See ECF No. 9, pp. 1–4 and ECF No. 37 p. 3), which impacts related issues before this Court including the pending Motion to Dismiss Based On Abstention, or Alternatively, Motion to Transfer Venue (ECF Nos. 8–9).

On November 11, 2024, the Texas state court entered an Order Granting Defendants’ Amended Renewed TCPA Motion to Dismiss Upon Remand (the “Order”), dismissing the Texas State Case, in its entirety, with prejudice.

Sincerely,



Cort Thomas

Enclosure: A true and correct copy of the Order is attached hereto as **Exhibit A**.